



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
7/28/1998

WATER RIGHT NUMBER
S3-30235

MAILING ADDRESS
RICHARD ROBERSON
2051 JOHNSON ROAD
RICE WA 99167

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE
0.045

UNITS
CFS

ANNUAL QUANTITY (AF/YR)
4.6

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation of 6 acres	0.045		cfs	4.6		04/01 - 10/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA				
STEVENS	UNNAMED POND		58-MIDDLE LAKE ROOSEVELT				

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED POND	1675300		34 N.	37 E.	28	SE¼NE¼	48.419773	118.1501434

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
1675300

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The SW¼NE¼ of Section 28, T. 34 N., R. 37 E.W.M.

REPORT OF EXAMINATION

Proposed Works

1 horsepower submersible pump pumping approximately 20 gallons per minute pumps to a 15000 gallon reservoir; water is gravity fed to the gardens and fields primarily using drip irrigation and weep hoses

Development Schedule

BEGIN PROJECT

Begun

COMPLETE PROJECT

Complete

PUT WATER TO FULL USE

In use

Measurement of Water Use

How often must water use be measured?	Annually
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Family Farm Permit

This authorization to use public waters of the state is classified as Family Farm Permit in accordance with Chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30235, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2013.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

INVESTIGATOR'S REPORT

Water Right Application Number S3-30235

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30235.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Statesman Examiner on October 31 and November 7, 2012 and no protests were received.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Kevin Brown on June 13, 2013 with the applicant.

The point of diversion is currently constructed. A one-horsepower pump pumps water up to a 15,000 gallon storage tank. The water is gravity fed to the gardens and pasture. The applicant uses drip and weep lines for irrigation of herbs, and other organic products. In the past a 3-5 acre patch of garlic was irrigated along the road on the westerly edge of the property. This field is currently in pasture grass. The main gardens are around the house. All of the irrigation is in the SW¼NE¼ of Section 28. Total land irrigated is approximately six acres.

Domestic water is supplied from a different source and is no longer requested under this application.

The applicant has the pump set on a timer that typically turns on for 2-3 hours a day and pumps into the storage tank. On occasion, additional time is needed to fill the reservoir and extended times are operated manually. Water is then gravity fed to the gardens and primarily drip irrigation is used. Water use is highly dependent on crop type and temperature and varies depending on the type of herbs. The typical irrigation season is April 1 to October 31.

The pond is constructed on the east side of the applicant's property. The area is part of a cattail swamp extending for approximately ½ mile along the base of the mountain. A small portion of the swamp was excavated to construct a small pond. North of the pond, two culverts are constructed across the swamp for access to residences. The first culvert is immediately below the pond area. A small seep of water was flowing in the culvert to the next cattail swamp area. This swampy area extends another ¼ mile to the slope of the hill. A driveway culvert near the section line to the north was dry. No overland flow of water was leaving this swamp area at the time of the field examination. The applicant said there are times early in the spring when water flows out of the cattail swamp and may actually reach the main creek, but not often.

The applicant indicated that when they dug out the pond, they could not reach the bottom of the swamp with the extended hoe. In addition, a neighbor drilled a well near the swamp and hit bedrock at approximately 45 feet. The swamp area is estimated to be ½ mile long and 100 feet wide in some areas in the swale. The applicant indicated the pond level typically fluctuates up to 18 inches annually.

From the applicant's point of diversion, approximately ½ mile to the north is Cheweka Creek. Cheweka Creek was flowing approximately 3 cfs at the time of the examination.

The applicant's proposal calls for a source of water from the wetland that runs generally north-south along the western side of a hill in Section 27. It appears the wetland is there because it sourced from groundwater daylighting out of fractures in what's mapped as Covada group on the hillside. That water discharges along fractures or bedding surfaces in the Covada group in contact with glacial drift on the lower slopes and valley floor. The water comes out of the rock, and ponds up against the low permeability glacial material. On the surface, in the spring, it likely flows north for a few weeks, crossing daylighting bedrock north of the POD to get to Cheweka Creek. The remainder of the year, once water levels decline to the level that it can't go across the bedrock, it appears water leaks into the subsurface and it would work its way south to the unnamed watercourses. The glacial till has limited permeability, thus the ability of the till to transmit water south is very small. There is probably not much flow either direction from the wetland area. Thus, this small wetland is mostly isolated from the creeks.

Cheweka Creek Adjudication

The Cheweka Creek drainage was adjudicated in 1924. The record confirms the discharge of Cheweka Creek ranged from 15 cfs to a low flow of 1 cfs and typically was able to satisfy most of the adjudicated rights with the exception of July and August. The creek was dry in some locations and contain various gaining and losing reaches.

Originally 14 ditches were operated to irrigate one hundred and twenty five acres of land. The largest Class 1 water right is now under Lake Roosevelt and no longer used. A review of the certificates on record confirmed the remaining 12 certificates authorizing a diversion of up to 1.8 cfs are located

downstream from the applicant's property in Section 21. Eleven certificates are confirmed upstream of Section 21. Only one ditch was found to be operating at the time of the field examination in the NE¼SW¼ of Section 21 estimated to be flowing at about 0.25 cfs. The ditch flows northwest into the SW¼NW¼ of Section 21 discharging into a pasture area. No sprinklers were observed. Very limited irrigation of gardens and small pasture areas were observed at the time of the field examination in the lower reaches of Cheweka Creek.

The applicant's pond area lies in a small ravine between two bedrock outcrops approximately ½ mile south of Cheweka Creek. Water does not directly contribute to Cheweka Creek other than maybe during high spring runoff. The pond area is separated from the creek by almost ½ mile of timber and dryland pastures. It appears the spring runoff actually dissipates into the ground before reaching the creek. A creek channel was not observed throughout this ½ mile section of property.

Existing Water Rights

No water rights are appurtenant to the applicant property or from the wetland area along the east edge of Section 28.

Beneficial Use

Irrigation of gardens and pasture are a beneficial use. The applicant typically runs the pump 2-3 hours per day. If run at the typical rate, the pump would use up to 2.3 acre-feet per irrigation season. At times the pump is manually turned on for a longer period of time. If run at a rate of 20 gpm for six hours the pump would use 4.6 acre-feet per season. A 4.6 acre-foot right is adequate for the existing system operation.

Water Availability

Water is available for appropriation. The quantity recommended for approval should not impair existing rights.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. There are no other water rights appurtenant to the applicant's property.

Cheweka Creek Adjudication confirms multiple rights throughout the basin. Based on the evaluation, the use of water from this pond will not impair the rights of the Cheweka Creek. There's not much flow either direction out of the wetland area except possibly during spring runoff events. Thus, this small wetland is mostly isolated from the creeks and the use of water will not impair existing water rights.

The use of water is not beyond the capacity of the wetland to yield water.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

The approval of this application for this quantity and use will not be detrimental to the public interest.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from the pond, is available for agricultural irrigation for up to 6 acres. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.045 cubic feet per second

4.6 acre-feet per year

Irrigation of up to 6 acres

Point of Diversion: NE¼SE¼NE¼ of Section 28, T. 34 N., R. 37 E.W.M.

Kevin Brown, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.